

1 DELEGATE SCANLAN: To put a footnote on ex post  
2 facto legislative history, I just want to say that the late  
3 Justice Jackson once said that legislative history is a very  
4 slim reed to rely on to ascertain the meaning of the English  
5 language. I think he would have turned over in his grave if  
6 anybody suggested to him that ex post facto legislation could  
7 determine the meaning of the words "by a legislative body."  
8 I will keep secret what I voted on that last proposal.

9 THE CHAIRMAN: Delegate Hardwicke.

10 DELEGATE HARDWICKE: Mr. Chairman, it occurs to  
11 me as far as a point of personal privilege is concerned, that  
12 where you take language out of the existing Constitution, it  
13 knocks the props out of previous judicial reasoning.  
14 That if that is done, I do not see how you can correct it in  
15 this body by statements made to the contrary.

16 I realize you left the door open for amendments  
17 which could take care of that gap.

18 THE CHAIRMAN: You are putting into words exactly  
19 the matter which is troubling the Chair. I think the rank  
20 language standing alone is relatively clear. It does omit  
21 the qualifying language in Article V in the present Declara-  
tion of Rights.